

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

The United States,

-against-

CHARLES KAFEITI, et al.

Defendants.

AZRACK, United States District Judge:

WHEREAS, this matter having come before the Court on the United States' Motion to Continue Preliminary Injunction Hearing, Extend Temporary Restraining Order Expiration, and Extend Time to Serve as to defendants Anthony and SixEvolution (ECF No. 22), Defendants Kafeiti, et al.'s Motion to Continue Preliminary Injunction Hearing on Consent (ECF No. 23), and Defendants Wilson's and BC0875430 a/k/a/ Berkshire Global Services's Motion to Continue Preliminary Injunction Hearing (ECF No. 28);

WHEREAS, the United States has made diligent efforts to affect service on Defendants since entry of the *ex parte* Temporary Restraining Order on November 19, 2018 (the "TRO") (ECF No. 21);

WHEREAS, the United States affected service on defendants Charles Kafeiti and International Sweeps Revenue Services, Inc. via their counsel on consent;

WHEREAS, the United States affected service on defendants Golden Response Worldwide, Inc., Anthony Kafeiti, Fairmont Wealth Resources, Inc., Steven Diaz, SK International Syndicate, Inc., Carmine Maietta, Elizabeth Maietta, Drew Wilson, and BC0875430 a/k/a/ Berkshire Global Services via personal service;

WHEREAS, the United States and defendants Charles Kafeiti, International Sweeps

**FILED
CLERK**

11/29/2018 12:19 pm
For Online Publication Only
U.S. DISTRICT COURT

**EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

ORDER

18-cv-06581 (JMA) (AYS)

Revenue Services, Inc., Golden Response Worldwide, Inc., Anthony Kafeiti, Fairmont Wealth Resources, Inc., Steven Diaz, SK International Syndicate, Inc., Carmine Maietta, Elizabeth Maietta, Drew Wilson, and BC0875430 a/k/a/ Berkshire Global Services (together, the “Consenting Defendants”) having advised the Court by letter motions (ECF Nos. 23 and 28) of the status of the within action and the agreement to continue the TRO on consent, and for good cause shown, including allowing the parties the opportunity to engage in discussions geared towards reducing potential motion practice, including a stipulated preliminary injunction, and, given the number of parties to this action and complexity of the allegations, to allow counsel time to better familiarize itself with the facts and circumstances of this matter;

WHEREAS, the United States served defendants Dennis Hunsaker (“Hunsaker”) and Digital Matrix International, Inc. (“Digital Matrix”) via overnight delivery, but said defendants have not contacted the United States nor appeared in this action;

WHEREAS, the United States has made diligent efforts to serve defendants David Anthony (“Anthony”) and SixEvolution GmbH (“SixEvolution”), located in Germany, through The Hague Convention, but have not yet effectuated service;

WHEREAS, pursuant to the language in the TRO, defendants David Anthony and SixEvolution, as “Payment Processors,” were to receive copies of the TRO from those Defendants who were served with the TRO;

WHEREAS, the United States requests an extension of the deadline to serve Anthony and SixEvolution to December 28, 2018 due to the requirements to effectuate service through The Hague Convention, as well as an extension of the preliminary injunction hearing and expiration date of the TRO as to those defendants until January 8, 2019,

It is hereby ORDERED as follows:

1. The United States is directed to serve a copy of this Order on Hunsaker and Digital Matrix via overnight mail by November 30, 2018 and to serve a copy of the TRO, together with the Complaint (ECF No. 1), the Certification of the Attorney for the United States (ECF No. 18), the Memorandum of Law in Support (ECF No. 19), the Sullivan Declaration (ECF No. 20), and this Order via personal service by December 4, 2018;

2. The United States is directed to send a copy of the TRO, together with the Complaint (ECF No. 1), the Certification of the Attorney for the United States (ECF No. 18), the Memorandum of Law in Support (ECF No. 19), the Sullivan Declaration (ECF No. 20), and this Order to Anthony and SixEvolution via overnight mail and, if available, email service by November 30, 2018;

3. The United States is granted an extension to serve Anthony and SixEvolution via The Hague Convention until December 28, 2018;

4. The TRO is extended as against Hunsaker, Digital Matrix, Anthony, and SixEvolution from December 3, 2018 to December 17, 2018 pursuant to Fed. R. Civ. P. 65(b)(2);

5. The preliminary injunction hearing for Hunsaker, Digital Matrix, Anthony, and SixEvolution is rescheduled to December 14, 2018 at 1:00 PM in courtroom 6E North at 225 Cadman Plaza East, Brooklyn, NY, at which time, if uncontested, the Court is prepared to convert the TRO against said defendants to a preliminary injunction based on the papers submitted by the United States with the claims and defenses of defendants Anthony and Six Evolution (including any claims and defenses as to the preliminary injunction motion) preserved pending service through the Hague Convention;

6. Hunsaker, Digital Matrix, Anthony, and SixEvolution shall file and serve any

opposition papers on or before 5:00 p.m. on December 10, 2018;

7. The United States shall file and serve its reply papers (if any) in further support of the preliminary injunction motion against Hunsaker, Digital Matrix, Anthony, and SixEvolution, together with a Proposed Preliminary Injunction Order as to said defendants on or before 5:00 p.m. on December 12, 2018;

8. The preliminary injunction hearing for the Consenting Defendants is rescheduled to January 25, 2019 at 1:00 PM in courtroom 6E North at 225 Cadman Plaza East, Brooklyn, NY;

9. The Consenting Defendants shall file and serve their opposition papers to the pending preliminary injunction motion on or before 5:00 p.m. on January 17, 2019;

10. The United States shall file and serve its reply papers (if any) in further support of the preliminary injunction motion together with a Proposed Preliminary Injunction Order as to the Consenting Defendants on or before 5:00 p.m. on January 21, 2019;

11. Based on the consent of the United States and the Consenting Defendants, the TRO shall remain in place against the Consenting Defendants pending the Court's ruling on the United States's preliminary injunction application against said defendants, with all parties' claims and defenses preserved; and

12. The date for the Consenting Defendants to move or otherwise respond to the Complaint shall be extended by 30 days.

SO ORDERED.

Dated: November 29, 2018
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE